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OFFICE OF PETITIONS

In re Application of Foss	:	
Application No. 10/691,111	:	Decision on Petition
Filing Date: October 22, 2003	:	
Attorney Docket No. 2037.1003-013	:	

This is a decision on the petition filed March 3, 2006, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **granted**.

Facts:

A Final Office action was mailed on February 23, 2005.

A Notice of Appeal and a request for a three-month extension of time were filed on August 25, 2005 (certificate of mailing date of August 23, 2005).

A Notice of Abandonment was mailed on February 22, 2006.

A Request for Continued Examination (RCE) and a request for a four-month extension of time were filed by facsimile transmission on February 27, 2006.

The instant petition was filed on March 3, 2006.

Discussion:

The Notice of Appeal was filed on August 25, 2005.

37 CFR 41.37(a)(1) states "a brief under this section within two months from the date of filing the notice of appeal."

37 CFR 41.37(e) states, "The time periods set forth in this section are extendable under the provisions of § 1.136 of this title for patent applications."

The time period to file the appeal brief, or other proper paper, may be extended by up to 5 months pursuant to 37 CFR 1.136.

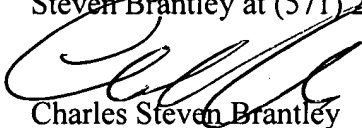
The RCE was accompanied by a request for a four-month extension of time. The extension of time request extended the relevant time period to file an appeal brief, or other proper paper, from October 25, 2005, to February 25, 2006. Since February 25, 2006, was a Saturday, the RCE and extension of time request filed on Monday, February 27, 2006, were timely.

For the reasons above, the application is not abandoned.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 2824 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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